

House Amendment 1270

PAG LIN

1 1 Amend the amendment, H=1215, to House File 598 as
1 2 follows:
1 3 #1. By striking page 2, line 42, through page 3,
1 4 line 25, and inserting the following:
1 5 <Sec. _____. NEW SECTION. 901.5B REOPENING OF
1 6 SENTENCE FOR PERSONS SERVING SENTENCE SUBJECT TO
1 7 MAXIMUM ACCUMULATION OF EARNED TIME OF FIFTEEN
1 8 PERCENT.
1 9 1. A defendant serving a sentence under section
1 10 902.12 prior to the effective date of this Act, who is
1 11 sentenced by the court to the custody of the director
1 12 of the department of corrections, may have the
1 13 judgment and sentence reopened for resentencing if all
1 14 of the following apply:
1 15 a. The county attorney from the county which
1 16 prosecuted the defendant files a motion in the
1 17 sentencing court to reopen the sentence of the
1 18 defendant. The victim, if possible, shall be served a
1 19 copy of the motion by certified mail. The motion
1 20 shall specify that the county attorney, if possible,
1 21 has informed the victim about the filing of the
1 22 motion, and that the victim has thirty days from the
1 23 date of the filing of the motion to file a written
1 24 objection with the court.
1 25 b. No written objection is filed, thereby
1 26 requiring the court to grant the motion, or if a
1 27 written objection is filed, and upon hearing the court
1 28 grants the motion.
1 29 2. Upon the court granting the motion to reopen
1 30 the sentence, the court shall order that the defendant
1 31 be eligible for consideration of parole or work
1 32 release in the same manner as a defendant serving a
1 33 sentence under section 902.12.
1 34 3. For purposes of calculating earned time under
1 35 section 903A.2, the sentencing date for a defendant
1 36 whose sentence has been reopened under this section
1 37 shall be the date of the original sentencing order.
1 38 4. The filing of a motion or reopening of a
1 39 sentence under this section shall not constitute
1 40 grounds to stay any other court proceedings, or to
1 41 toll or restart the time for filing of any posttrial
1 42 motion or any appeal.>
1 43 #2. Page 3, by inserting after line 25 the
1 44 following:
1 45 <Sec. _____. Section 902.11, unnumbered paragraph 1,
1 46 Code 2003, is amended to read as follows:
1 47 A person serving a sentence for conviction of a
1 48 felony, ~~other than a forcible felony under section~~
~~1 49 902.12~~, who has a criminal record of one or more prior
1 50 convictions for a forcible felony or a crime of a
2 1 similar gravity in this or any other state, shall be
2 2 denied parole or work release unless the person has
2 3 served at least one-half of the maximum term of the
2 4 defendant's sentence. However, the mandatory sentence
2 5 provided for by this section does not apply if either
2 6 of the following apply:
2 7 Sec. _____. Section 902.12, unnumbered paragraph 1,
2 8 Code 2003, is amended to read as follows:
2 9 ~~Except as otherwise provided in section 903A.2, a~~ A
2 10 person serving a sentence for conviction of the
2 11 following forcible felonies shall ~~serve one hundred~~
~~2 12 percent of the maximum term of the person's sentence~~
~~2 13 and shall not be released or be denied parole or work~~
2 14 release unless the person has served at least one-half
2 15 of the maximum term of the person's sentence:
2 16 Sec. _____. Section 902.12, subsection 5, unnumbered
2 17 paragraph 2, Code 2003, is amended to read as follows:
2 18 ~~Except as otherwise provided in section 903A.2, a~~ a
~~2 19 person serving a sentence for conviction under~~
2 20 6. Vehicular homicide in violation of section
2 21 707.6A, subsection 1 or 2, shall serve one hundred

2 22 percent of the maximum term of the person's sentence
2 23 ~~and shall not be released on parole or work release if~~
2 24 the person was also convicted under section 321.261,
2 25 subsection 3, based on the same facts or event that
2 26 resulted in the conviction under section 707.6A,
2 27 subsection 1 or 2.>
2 28 #3. Page 4, line 11, by inserting after the word
2 29 <of> the following: <and relating to>.
2 30 #4. By renumbering as necessary.
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2 34 SWAIM of Davis
2 35 HF 598.304 80
2 36 jm/cf